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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,482	02/12/2001	Thomson Alexander	965-3	9493

7590

04/26/2002

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EXAMINER

FEE, WILLIAM S

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/781,482

Applicant(s)

ALEXANDER, THOMSON

Examiner

William S. Fee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Oath/Declaration***

1. Page 3 of 6, at the bottom of the page the filing date of the provisional application is incorrect.

***Specification***

2. Page 3, line 19, recites "hinged assembly 29" however, page 3, line 10, recites "drain holes 29".
3. Page 5, line 10, recites "catch 20" however, page 5, line 11 recites "catch 70".
4. Page 6, line 7 recites "concavity 35" however, page 4 line 2 recites "concavity 33".
5. Page 9, lines 17,18,27 and 29 recite "housing 100" however, page 6,line 11 recites "closure device 100".
6. Page 6, line 20, recites "threaded bore 112" however, page 6, line 13, recites "top of housing 112".
7. Page 6, lines 21 and 23, recite "distal end 116" however, page 6, line 12, recites "top cover 116".

***Drawings***

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "29" has been used to designate both hinge and drain hole in FIGS. 1 and 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "100" has been used to designate both closure device and housing in FIGS. 6 and 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "112" has been used to designate both top of housing and threaded bore in FIGS. 6 and 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "116" has been used to designate both top cover and distal end in FIGS. 6 and 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

12. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

***Claim Rejections - 35 USC § 112***

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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14. Claim 1 recites the limitation "the access closure device" in line 10. There is insufficient antecedent basis for this limitation in the claim.

15. Claims 8, 9 and 10 recite the limitation "An access opening" in line 1 respectively. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1, 2, 3, 4, 6, 7, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabel, U.S.P. 5,921,191 in view of Sodenkamp, Jr., U.S.P. 3,709,539.

Regarding claims 1, 2, 3, 6, 8 and 10, Gabel discloses an access opening closure device comprising a housing 28 forming a receptacle as in FIG. 1, a top cover 16B supported on the housing and movable between a first and a second position covering and uncovering the top opening, an access door 16A supported on the housing and movable between a first and a second position covering and uncovering the rear opening. Gabel further discloses a bracket assembly 2 securing the rear opening of the housing to an access opening in a door where the bracket has a top 8, a bottom 12 and a side 10 each around the rear opening of the housing; the top cover being pivotably attached as in FIGS. 1, 2 and 3 has a first lock 26B to retain the top cover in the first position and is constructed with transparent material 18B. However, Gabel does not

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disclose the door having recesses formed along a surface of the door and an engagement member moveable into engagement with the recesses nor does he disclose the top and bottom brackets having concavities formed therein forming a guide track whereby the access door can be slidably supported on the guide track as well as the top cover being slidably supported on the housing.

Regarding claims 1 Sodenkamp, Jr. teaches a door 91 having recesses (as in FIGS. 4 and 5) formed along a surface 94 of the door and an engagement member 20 supported on a access closure device 93 moveable into engagement with the recesses.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the access opening closure device of Gabel, with recesses in the door surface and for engagement with an engagement member as taught by Sodenkamp, Jr., in order to secure the door in position so that it can not be moved until the engagement member is disengaged.

Regarding claims 4 and 7 Sodenkamp Jr. teaches a top and bottom bracket having concavities formed therein (as in FIGS. 3,4 and 5) forming a guide track (as in FIGS. 3,4 and 5) whereby the access door can be slidably supported on the guide tracks as well as the top cover being slidably supported on the housing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the access opening closure device of Gabel, with guide tracks for slidably supporting the top and rear doors as taught by Sodenkamp, Jr., in order to provide less space restrictive opening whereby the door doesn't have to swing open and cheaper manufacture without the hinges.

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18. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gabel, U.S.P. 5,921,191 in view of Sodenkamp, Jr., U.S.P. 3,709,539 as applied to claim 1 above, and further in view of Clark, U.S.P. 5,799,589.

Gabel and Sodenkamp Jr. are discussed above however, they do not disclose the housing constructed from steel.

Regarding claim 9, Clark teaches a housing constructed from steel (column 4, lines 2-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the access opening closure device of Gabel modified by Sodenkamp Jr. with a stainless steel housing as taught by Clark, in order to provide a strong housing that is resistant to corrosion and cleans easily.

#### ***Allowable Subject Matter***

19. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are similar in principle to the lock disclosed by the applicant: Durst, Cahill, Albes, Brown and Brightwell.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William S. Fee whose telephone number is (703) 305-


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3131. The examiner can normally be reached on Monday through Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann, can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

William S. Fee  
Examiner  
Art Unit 3677

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600